

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

21

INFORMATION

TOPIC

Amendments to Chapter 135 - Technical Standards and Corrective Action
Requirements for Owners and Operators of Underground Storage Tanks

The Department proposed and the Iowa Legislature passed legislation (SF 499/HF792) (Iowa Act) this session granting rulemaking authority to the Commission in response to provisions of the Federal Energy Act of 2005 (Federal Act). The Federal Act requires States to implement several policies consistent with EPA issued guidance in order to maintain Federal funding and the Department's "state program approval" for the UST program. The Iowa Act requires the Commission to adopt rules requiring that all new underground storage tank (UST) and piping installations and replacements after August 1, 2007 be constructed to provide secondary containment (i.e. double walled tanks and piping) if they are within 1,000 feet of any public water supply system or a potable drinking water well. The Iowa Act also requires that under dispenser containment systems be installed whenever dispensers are replaced. The Iowa Act requires the Commission to adopt rules implementing a process to prohibit the delivery of fuel to UST facilities which are determined to be out of compliance with designated operation and maintenance requirements such as release detection, overfill and spill protection and corrosion protection. The EPA guidance applicable to these policies and the Iowa Act is attached for reference.

The Iowa Act also requires the Commission to take over administration of the UST installer and installer inspector licensing program which has previously been administered under rules adopted by the Iowa UST Fund Board. The Iowa Act requires the Commission to adopt the UST Fund Board's existing rules by emergency rule making no later than August 1, 2007. The Commission is then required to initiate a notice of intended action to fully implement a licensing program applicable not only to UST installers and installer inspectors but person who remove and test USTs.

The Department intends to present these rules for adoption at the July Commission meeting in order to satisfy the requirements of the Iowa Act and the Federal Act.

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Administrator
Environmental Protection Division

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